

April 17, 2018

Re: Request for Information Concerning Representation Case Procedures

I am a union representative and our union has filed petitions for elections with the National Labor Relations Board both before and after the changes to the rule governing elections. I write to provide information concerning the Board's representation case procedures in response to your request.

The amendments to the procedures adopted in December 2014 have improved the process. They have not given an advantage to either employers or unions. Rather, they have made the process more efficient, more transparent. Our union asks the Board not to revoke or change the amendments.

In our experience under the amended rules:

1. Unnecessary litigation has been reduced and the time required for the Board to process representation petitions has been shortened.
2. The rules have been made simpler and easier for union representatives and employees to understand. This is important for unions because unions often do not use lawyers in representation cases.
3. All parties have been accorded due process.
4. Employers that wished to do so have mounted vigorous campaigns that have effectively conveyed the same types of information using the same methods as was the case prior to the amendments. The additional contact information provided to unions on the eligibility list has narrowed by a small amount the disadvantage unions have in conveying their message to employees prior to an election.
5. Employees have been better able to exercise their right to petition and to make a free choice of whether to be represented.
6. As specific examples of these points:

Bombardier Mass Transportation-03-RC-192914

Relco Locomotives-18-RC-147723

Bombardier Transportation Holdings-04-RC-177840

Thank you for your attention to this matter.

James W. White, Jr